INDEPENDENT POLICE REVIEW AUTHORITY

06 October 2014 Log #1067303/U #14-03

TO:	Chief Administrator Independent Police Review Authority	
FROM:	Investigator William Abbruzzese #170	
SUBJECT:	Log #1067303 U #14-03	
REFERENCE:	RD #HX137433 – Armed Robbery with a Handgun RD #HX137701 – Justifiable Homicide	
DATE/TIME:	03 February 2014, 1031 hours	
LOCATION:	N. Milwaukee Avenue – Walgreens Drug Store Beat 1623	
INVOLVED OFFICER:	FLORES, Jorge; M/H; Star #15489; Unit 012; Employee # DOA: 01 May 2006; Off-Duty.	
OFFICER WEAPON:	Sig Sauer; Model: P229; 9 MM; Semi-Automatic; Serial # ; City Registration # FOID # Fired (1) round.	
OFFICER'S INJURIES:	None Reported	
SUBJECT:	; M/W; DOB: IR #405101; Address: W. Higgins, Chicago, IL.	
SUBJECT'S WEAPON:	Gamo V3 Air Pistol, Black BB Gun	
SUBJECT'S INJURIES:	(1) Through-and-through gunshot wound to chest. Transported to Advocate Lutheran General Hospital. Condition: Deceased	
SUMMARY OF INCIDENT:		
On 03 February 2014, at approximately 1031 hours, the subject, now known to be entered Walgreens, located at N. Milwaukee Avenue. approached the cashier, now known as and acted as if to purchase a box of Frosted Flakes. then pointed a handgun at and demanded money from the cash register. As fumbled to open the cash register, off-duty Chicago Police Officer Jorge Flores, #15489, entered the Walgreens to use the Chase ATM located adjacent to the cash		

register. Officer Flores approached the cash register, at which time he noticed that Ms.

standing at the cash register with the "butt" of a gun protruding from his right coat pocket. Officer Flores identified himself as a police officer and displayed his firearm. Lurned towards Officer Flores and stated words to the effect of, "You're going to have to shoot me. I'm not going back to jail." Then pushed Officer Flores and a struggle ensued. Officer Flores was able to force to the floor, but was unable to gain control of him. Fearing that would shoot him, Officer Flores discharged his firearm once, striking in the left shoulder. was pronounced dead at Lutheran General Hospital. (Att. 4)
INVESTIGATION:
In a digitally recorded statement with IPRA on 04 February 2014, Officer Jorge Flores #15489 related that he was off duty and went to Walgreens, located at 5320 N. Milwaukee Avenue, to use the ATM. Officer Flores related that when he entered Walgreens, he made a left turn and walked around a display to get to the ATM machine, which was located next to the cash register and exit. As Officer Flores walked around the display, he observed the cashier, now known as who appeared nervous and was shaking. A Hispanic male, now identified as was standing in front of the counter with his back facing Officer Flores. Officer Flores observed the cash register open and putting money into a plastic bag that was on the counter. Officer Flores noticed the butt of a gun sticking out of the right side of fleece jacket. Officer Flores related that he took a step back and lifted the right side of his shirt so that could see his badge and gun. Officer Flores then unholstered his weapon, approached put his weapon to the back of head and announced his office.
Officer Flores related that he gave verbal commands to to get on the floor and lie flat on his stomach and also yelled out for someone to call 911. Officer Flores related that he straddled as he was going down to the floor so that he could control him. Once was on the floor, Officer Flores placed his left knee on top of him to gain more control. Officer Flores continued giving verbal commands for to show his hands and not to move. Officer Flores related that he continued to struggle with to the point that he feared for his life. Officer Flores related that he had no choice but to retreat back because kept moving and there was no way for him to easily gain control of Mr. Officer Flores kept his gun pointed at who was still on the floor, and continued to give him verbal commands not to move. Officer Flores related that stated words to the effect of, "Well, I'm not going to jail," and then reached inside his right pocket where his weapon was located. Officer Flores continued to give out verbal commands, "Keep your hands up. Keep your hands up. Don't do it. Don't do it." Officer Flores related that once placed his hand in his pocket, he was in fear for his life and discharged his firearm striking Responding units then arrived to assist him and took control of the situation. (Atts. 14-15)

A Tactical Response Report completed by Officer Jorge Flores #15489 documented that "did not follow verbal directions," "fled," was an "imminent threat of battery," "attack[ed] with a weapon," and used "force likely to cause death or great bodily harm" with a

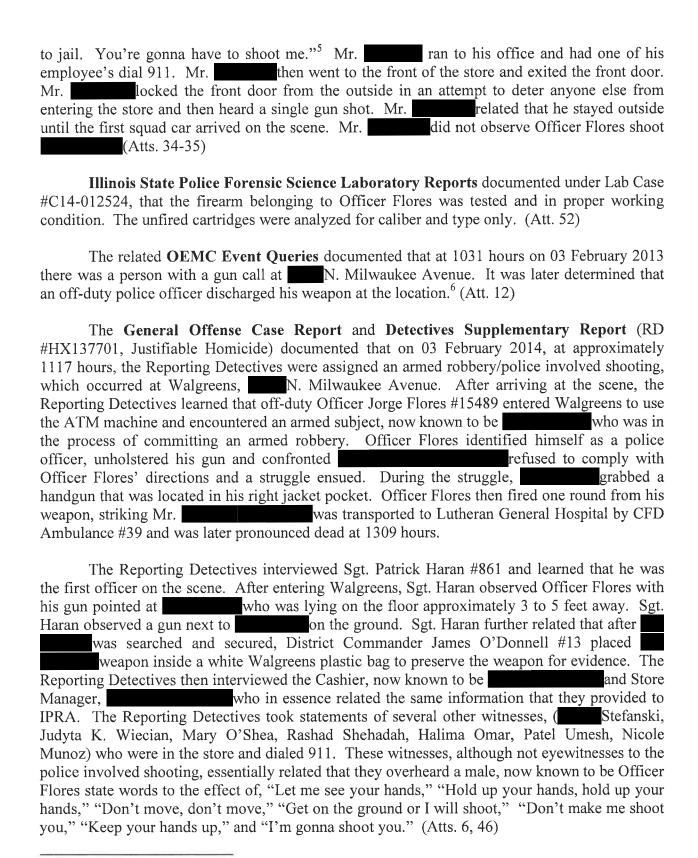
¹ Flores, Page 19, Line 18 ² Flores, Page 19, Line 32, Page 20, Line 1

"weapon." Officer Flores responded with "member presence," "verbal commands," "take down/emergency handcuffing," and the use of his "firearm." (Att. 8)

The Officers Battery Report for Officer Jorge Flores #15489 documented that he did not receive any type of injury. (Att. 9)

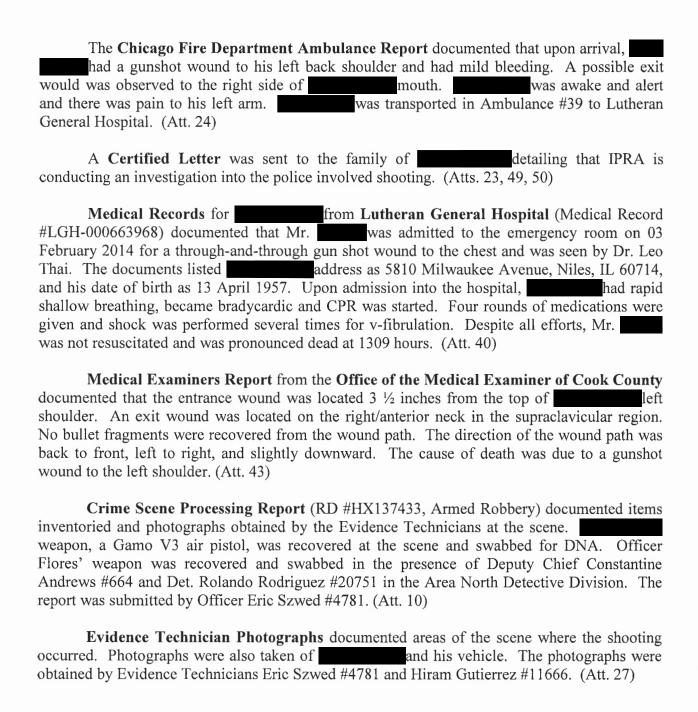
struggled several times to open the cash register. Eventually, opened the cash register and started placing money into a plastic bag that was on top of the counter. As this was happening, a male figure wearing blue jeans, a black jacket and black knit cap walked into view behind the male, now known to be off-duty Officer Flores #15489, removed a gun from his right waistband, approached moved out of view from the camera. (Atts. 37-38)
In a digitally recorded statement to IPRA on 03 February 2014, Witness related that she was working the cash register at Walgreens when she was approached by a customer, now known to be scanned the item for payment. Item reached into his pocket and pulled out a gun with his right hand and stated that he wanted money. Item again.
In a digitally recorded statement to IPRA on 19 February 2014, Witness related that he was working in the back aisle of Walgreens when he heard a commotion coming from the front of the store. Mr. walked to the front of the store where he observed two males wrestling with each other. Mr. related that he noticed that one of the men was heavyset and wearing a hoodie, now known to be other individual, now known to be off-duty Officer Jorge Flores #15489, yelled out that he was a police officer and that someone needed to call 911. Mr. observed Officer Flores with his gun out and pointed towards shoulder and stated, "Take your hands outta your pocket or I'm gonna shoot you." Mr. overheard reply, "I'm not goin' back

Page 12, Line 28 Page 6, Lines 9-10



⁵ Page 6, Lines 10-12

⁶ The OEMC 911 callers were later identified in the Detective's Supplementary Report and provided statements to the Reporting Detectives.



CONCLUSION AND FINDING:

This investigation found that the use of deadly force by the involved Chicago Police Officer was **Justified** and in compliance with Chicago Police Department policy and Illinois State statutes. According to the Chicago Police Department's General Order 02-08-03, III:

A. "a sworn member is justified in using force likely to cause death or great bodily harm only when he or she reasonably believes that such force is necessary:

- to prevent death or great bodily harm to the sworn member or to another person, or:
- 2. to prevent an arrest from being defeated by resistance or escape and the sworn member reasonably believes that the person to be arrested:
 - a. has committed or has attempted to commit a forcible felony which involves the infliction, threatened infliction, or threatened use of physical force likely to cause death or great bodily harm or;
 - b. is attempting to escape by use of a deadly weapon or;
 - c. otherwise indicates that he or she will endanger human life or inflict great bodily harm unless arrested without delay."

The actions of Officer Flores were in accordance with the statute "to prevent death or great
bodily harm to the sworn member or to another person." Officer Flores entered Walgreens as
the subject, was in the process of committing an armed robbery. Officer Flores
approached and repeatedly gave verbal commands for to show his hands
and not to reach for his firearm. failed to comply with Officer Flores commands and
stated, "I'm not going back to jail," which was confirmed by numerous independent witnesses.
Officer Flores was in fear for his life when reached for his firearm. Officer Flores
subsequently discharged his firearm, striking in the left shoulder, which stopped the
threat posed by
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Approved: